

**MINUTES
FREMONT CITY COUNCIL MEETING
DECEMBER 10, 2013
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- A. Call to Order:** Mayor Harrison called the meeting to order.
- B. Flag Salute:** Councilmember Natarajan led the salute to the flag.
- C. Roll Call:** Present: Mayor Harrison, Vice Mayor Bacon, Councilmembers: Natarajan, Chan and Salwan.
- D. Announcements by Mayor/City Manager**

2. CONSENT CALENDAR

- * **A. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council waived further readings of proposed ordinances.

Ayes: Mayor Harrison, Vice Mayor Bacon,
Councilmembers: Natarajan, Chan and Salwan.
Noes: None
Absent: None
Abstain: None

- * **B. Approval of Minutes**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council approved minutes for the Special and Regular Meetings of November 5, 2013, the Regular Meeting of November 12, 2013 and the Regular Meeting of November 19, 2013.

Ayes: Mayor Harrison, Vice Mayor Bacon,
Councilmembers: Natarajan, Chan and Salwan.
Noes: None
Absent: None
Abstain: None

- * **C. Mayor Harrison opened consideration of Approval of Plans and Specifications and Award of Contract to Lowest Responsible Bidder for the 2013 Base Repair and Overlay Project, City Project No. 8234-N (PWC) and Determination that the Project is Exempt From CEQA Review per CEQA Guidelines Section 15301(c)**

*Consent Items

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council:

1. Found that the project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (c) as the repair, maintenance or minor alteration of existing facilities involving no or negligible expansion of use beyond that presently existing.
2. Approved the plans and specifications for the 2013 Base Repair and Overlay Project No. 8234-N (PWC).
3. Appropriated \$2,400,000 of BART funds to 502.PWC8234.
4. Appropriated \$378,750 of BART funds to 502.PWC8195.
5. Accepted the bid and Awarded the construction contract for 2013 Base Repair and Overlay Project, 8234-N (PWC) to the lowest responsive and responsible bidder, Fonseca / McElroy Grinding Company, Inc., in the amount of \$5,845,554.00, and authorize the City Manager or his designee to execute the contract.

Ayes: Mayor Harrison, Vice Mayor Bacon,
Councilmembers: Natarajan, Chan and Salwan.
Noes: None
Absent: None
Abstain: None

*** D. Mayor Harrison opened consideration of the Development Impact Fee Annual Report for Fiscal Year 2012/2013**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council accepted the Development Impact Fee Annual Report for Fiscal Year 2012/13.

Ayes: Mayor Harrison, Vice Mayor Bacon,
Councilmembers: Natarajan, Chan and Salwan.
Noes: None
Absent: None
Abstain: None

*** E. Mayor Harrison opened consideration of Approval for Renewal of City-Wide Janitorial Service Agreement with GSA Services Group, Inc. for 2014 Contract Year at a Cost of \$1,243,144 and Authorize the City Manager to Execute the Renewal Agreement and Authorize the City Manager to Renew the Agreement for 2015 Contract Year at a Cost of \$1,267,042**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council:

1. Approved the renewal of the GCA contract for the 2014 contract year in an amount not to exceed \$1,243,155 and authorize the City Manager to execute necessary documents to renew the contract.
2. Authorized the City Manager to renew the GCA contract for the 2015 calendar year in an amount not to exceed \$1,267,042 and to execute necessary documents to renew the contract.

Ayes: Mayor Harrison, Vice Mayor Bacon,
Councilmembers: Natarajan, Chan and Salwan.
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS

- A. **Proclamation: Honoring Alameda Lodge #167 Free and Accepted Masons of the State of California**
- B. **Resolution: Honoring Jim Pierson upon his Retirement**

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Michael Lydon (City employee & FACE Secretary), Craig Conwright (City employee & FACE member), and Shannon Young (City employee & Fremont Association of City Employees (FACE) President) expressed concerns regarding wage reductions as referenced in the Fremont Association of City Employees (FACE) Memorandum of Understanding (MOU). Shawn Gutttersen (BLT Enterprises), Jose Nunez (ILWU Local 6), Ruben Ramos (BLT Recycling worker) and Jennifer Lin (EBASE) thanked the Council for supporting their long-term partnership with BLT and the City.

5. SCHEDULED ITEMS

- A. **Mayor Harrison opened consideration of a Public Hearing (Published Notice) To Consider a Disposition and Development Agreement (DDA) For the Disposition and Development of 6.58 Acres of Redevelopment Successor Agency-owned Parcels (Centerville Unified Site) and the Planning Commission's Recommendation to Introduce an Ordinance to Rezone the Parcels To Preliminary and Precise Planned District P-2013-269, Approve a Preliminary Grading Plan, and Adopt a Mitigated Negative Declaration In Accordance With the Requirements of the California Environmental Quality Act (CEQA) To Facilitate Development of a Mixed-use Project With 185 Residential Units and 28,641 Square Feet of Commercial Space Located at 37070 - 37222 Fremont Boulevard in the Centerville Community Plan Area. (Artist Walk DDA and Planned District - PLN2013-00269)**

*This item was added to the Consent Calendar.

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council:

1. Held public hearing.
2. Adopted the Draft Mitigated Negative Declaration and Mitigation Monitoring Plan and found on the basis of the whole record before it (including the Initial Study and any

- comments received) that there is no substantial evidence that the project will have a significant effect on the environment and that this action reflects the independent judgment of the City of Fremont.
3. Found that the project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Land Use, Mobility, Community Character and Community Plans Chapters as enumerated within the staff report.
 4. Adopted Resolution No. 2013-71 approving the proposed "Disposition and Development Agreement (DDA) by and between the City of Fremont and BHV CenterStreet Properties, LLC, Artist Walk/Centerville Unified Site" and direct the City Manager to execute the DDA.
 5. Found the Preliminary and Precise Plans as depicted in Exhibit "C," (Precise Site Plan, Architectural Elevations and Floor Plans, and Landscape Plans), fulfill the applicable requirements set forth in the Fremont Municipal Code.
 6. Waived full reading and introduced an ordinance approving a rezoning of the entire project site from Planned District P-2005-129 (CSPC) to Planned District P-2013-269, as depicted on Exhibit "B" (Rezoning Map), and approving the Preliminary and Precise Plans as shown on Exhibit "C" (Precise Site Plan, Architectural Elevations and Floor Plans, and Landscape plans), based upon the findings and conditions of approval set forth in Exhibit "E."
 7. Found that the proposed Preliminary Grading Plan as shown in Exhibit "D" (Preliminary Grading Plan) is consistent with the goals, policies and implementation actions of the General Plan.
 8. Approved Preliminary Grading Plan as shown on Exhibit "D" (Preliminary Grading Plan) based upon findings and conditions of approval set forth in Exhibit "E."
 9. Approved the proposed removal and mitigation for one protected on-site tree pursuant to the City's Tree Preservation Ordinance.
 10. Directed staff to prepare and the City Clerk to publish a summary of the ordinance.

Ayes: Mayor Harrison, Vice Mayor Bacon,
Councilmembers: Natarajan and Chan.

Noes: None

Absent: None

Abstain: Councilmember Salwan

B. Mayor Harrison opened consideration of a Public Hearing (Published Notice; Display Ad) to Consider a Zoning Text Amendment to Title 18 (Planning and Zoning) of the Fremont Municipal Code to Provide a Comprehensive Update to Chapter 18.193 (Regulation of Signs on Private Property) and Add Chapter 18.194 (Regulation of Signs of Public Property), and to Consider an Exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3). (Sign Ordinance)

*This item was added to the Consent Calendar.

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council:

1. Found that the Zoning Text Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because the proposed amendment does not have the potential for causing a significant effect on the environment.
2. Found that the Zoning Text Amendment would conform to the General Plan and the public necessity, convenience and general welfare require the adoption of the Zoning Text Amendment, as described above.
3. Waived first reading and introduced an Ordinance amending Fremont Municipal Code Chapter 18.193 (Regulation of Signs on Private Property) and an Ordinance adding Chapter 18.194 (Regulation of Signs on Public Property).

Ayes: Mayor Harrison, Vice Mayor Bacon,
Councilmembers: Natarajan, Chan and Salwan.
Noes: None
Absent: None
Abstain: None

6. REPORT FROM CITY ATTORNEY

A. Report Out from Closed Session

7. OTHER BUSINESS

A. Mayor Harrison opened consideration of Acceptance of the 2013 City of Fremont Community Survey Results conducted by Fairbank, Maslin, Maullin, Metz & Associates (FM3) between October 10-20, 2013

David Metz with FM3 gave a PowerPoint presentation. The City Council accepted the 2013 City of Fremont Community Survey findings.

Ayes: Mayor Harrison, Vice Mayor Bacon,
Councilmembers: Natarajan, Chan and Salwan.
Noes: None
Absent: None
Abstain: None

B. Mayor Harrison opened consideration of Adoption of a Resolution Amending the Art in Public Places Program Policy to Designate the Art Review Board as the Final Decision-making Body for Artwork Chosen for the Traffic Signal Control Box Art Program, Request to Transfer Funds to Support Implementation of the Control Box Art Program, and Consideration of an Exemption from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities)

*This item was added to the Consent Calendar.

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council:

1. Found that the Traffic Signal Control Box Art Program is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Existing Facilities).
2. Adopted Resolution No. 2013-72 approving a revised Art in Public Places Program Policy to implement the Traffic Signal Control Box Art Program.
3. Approved the transfer of \$20,000 from 501PWC8686 (Public Art) to 501PWC8844 (Traffic Signal Control Box Art Program.)

Ayes: Mayor Harrison, Vice Mayor Bacon,
Councilmembers: Natarajan, Chan and Salwan.
Noes: None
Absent: None
Abstain: None

C. Mayor Harrison opened consideration of Approval of Incorporating Increase for Labor, Health Care, and Transportation Costs in Excess of CPI into Transfer Station Service Fees Effective January 2014 (Continued from December 3, 2013 Council Meeting) (Extraordinary Adjustment to Transfer Station Service Fees)

*This item was added to the Consent Calendar. See Green Sheet.

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council:

1. Approved the following extraordinary compensation to be applied to all Fremont franchise waste (municipal solid waste, organic and yardwaste and recycling) delivered to the facility by the City's franchise waste hauler effective January 1, 2014
 - a. \$.20/ton – ILWU wage adjustment for 2006-2012
 - b. \$.51/ton – Health insurance cost allowance for 2012-2014
 - c. \$1.26 /ton - Health insurance cost adjustment for 2006-2012
2. Approved \$.86/ton extraordinary compensation to be applied to all Fremont franchise waste (municipal solid waste, organic and yardwaste and recycling) delivered to the facility by the City's franchise waste hauler for 2014/2015 implementation costs of the 2014-2019 ILWU wage schedule effective upon City review of the executed contract between ILWU and BLT and verification that BLT has implemented payment to the ILWU workers consistent with the terms of the 2014-2019 ILWU wage schedule.
3. Authorized staff to amend Transfer Station agreement consistent with the terms described in recommendations 1 and 2 and authorize the same adjustment to self-haul rates consistent with the methodology described in Section 10.4 of the Transfer Station Agreement.

Ayes: Mayor Harrison, Vice Mayor Bacon,
Councilmembers: Natarajan, Chan and Salwan.
Noes: None
Absent: None
Abstain: None

8. COUNCIL COMMUNICATIONS

A. Council Referrals – None.

B. Oral Reports on Meetings and Events

Councilmembers reported on their various meetings and activities.

9. ADJOURNMENT: There being no further business, Mayor Harrison adjourned the meeting at 8:15 p.m.

Attest:

Approved:

Susan Gauthier, Assistant City Clerk

BILL HARRISON, Mayor